

REMARKS

Claims 30-47 are pending. Claims 40-47 are withdrawn from consideration. Applicants affirm the election of Group I, claims 30-39.

Claim 30 has been amended to include the recitation of claim 34. Claim 30 has further been amended to recite that the variant has at least 80% identity to said parent alpha-amylase, as suggested by the Examiner. Claim 35 has been amended to include the recitation of claim 36.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Rejection of Claim 36 under 35 U.S.C. 112

Claim 36 is rejected under 35 U.S.C. 112, second paragraph as indefinite. The Examiner states that claim 36 is improperly dependent as it recites limitations which are excluded from the genus of alpha amylases of claim 35, from which it depends.

Claim 35 has been amended to include the recitation of claim 36.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

II. The Rejection of Claims 30-34 under 35 U.S.C. 112

Claims 30-34 are rejected under 35 U.S.C. 112, first paragraph, as lacking written description support. The Examiner states that claims 30-34 include variants with any number of alterations of the parent enzyme. On page 8 of the Office Action, to overcome the 35 U.S.C. 112, first paragraph rejections, the Examiner suggests amending claim 30 to recite that the variant has at least 80% sequence identity to said parent alpha-amylase.

In order to expedite prosecution, claim 30 has been amended to recite that the variant "has at least 80% identity to said parent alpha-amylase."

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. The Rejection of Claims 30-34 under 35 U.S.C. 112

Claims 30-34 are rejected under 35 U.S.C. 112, first paragraph, as lacking written description support. The Examiner states that claims 30-34 include variants with any number of alterations of the parent enzyme. The Examiner states that the claims are enabled for a variant of

a parent alpha-amylase having at least 80% homology to SEQ ID NO:3 and having at least 80% identity to said parent. On page 8 of the Office Action, to overcome the 35 U.S.C. 112, first paragraph rejections, the Examiner suggests amending claim 30 to recite that the variant has at least 80% sequence identity to said parent alpha-amylase.

In order to expedite prosecution, claim 30 has been amended to recite that the variant "has at least 80% identity to said parent alpha-amylase."

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. The Rejection of Claims 30-33, 35 and 37-39 under 35 U.S.C. 103

Claims 30-33, 35 and 37-39 are rejected under 35 U.S.C. 103(a) as obvious over Suzuki et al. in view of Bisgard-Frantzen et al.

In order to expedite prosecution, claims 30 and 35 have been amended to include the recitations of claims 34 and 36, respectively.

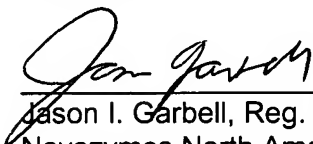
For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

V. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: January 14, 2004



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